IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRI.W.P.NO.2779 OF 2005

Hanma alias Hanmant
Ishwar Budne ..Petitioner
Vs.
The State of Maharashtra ..Respondents

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Smt.Ruchita R.Dhuru Advocate (appointed) for Petitioner
Mr.I.S.Thakur, A.P.P. for State

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CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.
DATE : APRIL 7,2006

ORDER ORDER : (PER SMT. V.K.TAHILRAMANI,J):

1. Heard learned advocate for the petitioner and learned A.P.P. for the State. Rule. By consent, rule is heard forthwith.

2. The petitioner had preferred application for furlough. The said application for furlough came to be rejected on the ground that the surety i.e. Smt.Rukhmini Koli is not suitable surety as she holds very small piece of land in her name. It is an admitted fact that surety does have land in her name. In this view of the matter, we find that she cannot be said to be unsuitable to stand surety for the petitioner.

3. Thereafter, the learned A.P.P. has pointed out that the report states that the witness in this case who is residing at Kasbe Digras, Taluka Miraj, has expressed apprehension to his life if the petitioner is released on furlough. In our view, the said apprehension can be taken care of by imposing condition on the petitioner that he shall not enter the area of Kasbe-Digras.

4. The petitioner be released on furlough in accordance with the usual terms and conditions. In addition thereto, the petitioner shall inform the address at which he will reside during the period that he is on furlough. He will report to the nearest police station to that address twice in a week day during the period that he is on furlough. The petitioner shall not enter the area of Kasbe-Digras during the period that he is on furlough.

5. Rule made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]